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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,439	03/23/2004	Noritaka Takahata	VX042605	1796
21369 7590 08/07/2008 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DR. SUITE 101 RESTON, VA 20191				
EXAMINER ROE, JESSEE RANDALL				
ART UNIT		PAPER NUMBER		
1793				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation Sheet

Applicant's arguments filed 26 June 2008 have been fully considered but they are not persuasive.

First, the Applicant primarily argues that MPEP 2112.011 does not support the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to omit the calcium and/or magnesium from the nickel-based alloy, as required by Garcia, where the oxidation, desulfurization, and fine grain size would not be required or desired. In response, the Examiner notes that the correct section of the MPEP is 2144.04(II)(a) as is referred to in the first full paragraph on page 4 of the Office Action of 28 December 2007.

Second, the Applicant primarily argues that there is no teaching in Garcia et al. ('555) concerning regulating the cooling rates or a relationship between cooling rates and the area percentages of γ/γ' -eutectoid and one of ordinary skill could not reasonably predict the area percentages of γ/γ' -eutectoid of 1-15% as presently claimed. In response, the Examiner notes that the Applicant has not provided a clear nexus between the claimed area percentages of γ/γ' -eutectoid and the cooling rates that result in these area percentages. MPEP 716.01(b) and 716.01(c).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Roe whose telephone number is (571) 272-5938. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John P. Sheehan/
Primary Examiner, Art Unit 1793

JR